

**Foxborough Planning Board
Meeting Minutes
August 13, 2015
Boyden Library**

Members Present: Kevin Weinfeld, Ron Bressé, Gordon Greene, John Rhoads, Alternate Gary Whitehouse

Members Absent: William Grieder

Also Present: Staff Planner Gaby Jordan

Planner Report

Ms. Jordan has met with the playground equipment contractor and chosen a design for the Payson Road Recreation Area; Mr. Yukna has been assisting her.

A new application has been received for an Accessory Apartment on Joanna Drive. This apartment was applied for a few years ago and was denied due to its size. Apparently the owners built it anyway and now new owners have bought it and would like to use it. The apartment now complies under the current bylaw. The Public Hearing will be on September 10th.

A joint meeting has been scheduled for August 27th with the Board of Selectmen and the Board of Water and Sewer Commissioners to discuss the Master Plan.

The Form A plan that was signed recently for National Grid has been lost by them, they will be bringing a new one in for signatures.

Doug King will be submitting his next payment for the Housing Trust soon; there are two additional payments due. The Housing Trust has a sunset clause of July 1, 2016. A Committee still needs to be chosen.

The Wason Memorial Pavilion Fund currently has \$2,500 in it; other funding sources need to be found.

Mr. Mullaney met with Don Treannie to discuss the outstanding items on Rothchild Drive. Mr. Treannie stated that the guard rail has been ordered and the paving will be scheduled soon.

Mr. Walsh is requesting a reduction on the bond for Highlawn Farm. There are some trees that need to be replaced.

Public Hearing – Adoption of FY16 Fee Schedule

Mr. Weinfeld read the Public Hearing notice. Ms. Jordan stated that there are no proposed changes to the current Fee Schedule but a reaffirming vote is required yearly.

A motion to close the Public Hearing was made by Mr. Bressé and seconded by Mr. Rhoads. The motion carried 5-0-0.

A motion to approve the FY16 Fee Schedule was made by Mr. Bressé and seconded by Mr. Weinfeld. The motion carried 5-0-0.

Continued Public Hearing – London Estates Definitive Subdivision

Mr. Rhoads recused himself from this hearing.

Bill Buckley of Bay Colony reviewed the changes that have been made since the last meeting. The plans have been refined in response to the comments received. A review memo was also received in the past couple of days from MAPC, which Mr. Buckley reviewed with the Board; a lot of those comments were Board of Health issues. Mr. Buckley provided an aerial view of the project so the abutters could get a better sense of where it will be located. There is an additional parcel owned by the Ferguson estate that is not part of this project.

Mr. Buckley reviewed the drainage, explaining that this parcel drains to two watersheds, the Narragansett watershed and the Boston Harbor watershed. They are also proposing a culvert under the common driveway.

The homes will be in the basic colonial style with the final locations on the lots at yet to be determined. They are shown on the plan so that conceptual grading can be provided. They are withdrawing their request for a waiver for roof recharge; they will now be providing roof recharge drainage. Soil testing is still being done, there are three lots left to be tested, they should be done by September. Mr. Ferroni has spoken to a few of the neighbors on Main Street and they have requested fencing which will be provided.

Main Street was recently paved but they were able to put in the tap for the water main loop before the paving was completed. They are proposing a water main easement on the strip parcel, it is still being determined if there any other easements the town would need.

Linda Penney of 320 South Street whose parents are the owners of 87-89 Main Street asked if the proposed tree line is being replaced with fencing, her parents would rather have the tree line. Mr. Buckley stated that the tree line is staying unless an abutter requested fencing.

Richard DeCoste of 12A Shea Lane had remarks and drawings on the project. He is concerned with the imperious surfaces affecting the drainage in the area and the capacity of the septic systems. He also wanted to know if the elevations of the homes mean they will be above the Main Street homes.

Mr., Buckley replied that the inlet to the drainage basin is designed to be below the water table to maintain the water in the pool. The septic is designed for 110 gallons per day per bedroom, actual water use is usually below that amount. BSC is doing the peer review of the plans for the town, if they bring up any issues, they will be addressed.

Patricia Kissinger of 25 Lakeview Road also questioned the drainage. Mr. Buckley replied that they are not allowed to let the drainage go on another person's property, it will be designed and engineered to stay on their property.

Margaret Wheeler of 8 Garfield Street asked if the Ferguson's still own the Garfield property. Mr. Buckley stated that property is not part of this project.

Brian Cook of 96 Main Street asked what the lifetime of an average septic system is. Mr. Buckley stated that the septic systems will need to be maintained and replaced by the future homeowners.

Stewart Stevens of 70 Cross Street stated that when it rains there is a lot of water at the nearby Sunoco station and he believes this project will add to that water. He would also like to see a blending lane on

Route 140 to deal with the traffic. Mr. Buckley stated that Main Street is a state road and no traffic study was required due to the small size of the project.

Richard DeCoste submitted pictures of surveyors trespassing on his property.

Mr. Buckley stated that they will be going to the Conservation Commission on August 24th and would like to continue the hearing until after and potential issues with Conservation are resolved.

A motion to continue the Public Hearing to September 24, 2015 at 7:30 p.m. was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 3-0-0.

Public Hearing – 27 Lakeview Road Open Space Residential Development

Mr. Bressé recused himself from this hearing.

Mr. Weinfeld read the Public Hearing notice.

Bill Buckley of Bay Colony represented the applicant, Briarwood Construction. He explained that this is a 6.5 acre parcel on Lakeview Pond that is surrounded by open space.

There is an existing single family home on the property that will be torn down. They did go to the Zoning Board of Appeals for a frontage waiver and were denied. At that time, the Planning Board was working on the Open Space bylaw which would allow a project on less than eight acres. The bylaw was approved at the May Town Meeting but has not yet been approved by the state Attorney General so they are proceeding at their own risk.

Mr. Buckley reviewed the conventional plan showing a two lot subdivision under the Subdivision Control Law with required roadway, cul-de-sac, sidewalks, etc. to show that it could be constructed as a conventional subdivision. This would not be a preferable plan as there are a lot of wetlands and it is a small area on a scenic road.

Mr. Buckley then presented the Open Space plan with two lots each with fifty feet of frontage. Each lot would have its own driveway and septic system. The homes would be more than 100 feet from the wetlands and they would be conveying the back land to the Conservation Commission to add to the green space around the lake.

Conservation Agent Jane Pierce submitted comments that the Conservation Commission has reviewed the application and they were in favor of this land donation and understood that some Planning Board members were concerned this donation is not contiguous with other Conservation land in the area. Conservation Chairman Bob Boette has spoken to the abutters and they may be willing to grant an easement to connect this property to the Conservation area to the North.

Mr. Greene stated that he was concerned that this land would end up being Conservation land that would only be accessible by boat but now understands that the neighbors may provide an easement through their land to access it.

Comments were also read from the Board of Health and Fire Departments as well as comments from MAPC. MAPC suggests a common driveway since access is off of a Scenic Road. Mr. Buckley stated they would rather not due that due to future potential conflicts between the homeowners; they are proposing two 12-foot wide driveways.

Mr. Rhoads commented that the conventional plan is reasonable for two lots but the open space plan is good planning as there would be no road to be maintained. He is acceptable to the granting of land to Conservation also. He also noted that a shared driveway would reduce the pavement draining onto Lakeview Road; if a shared driveway is not possible he suggested that the driveways be graded to minimize to the maximum extent possible runoff to Lakeview Road. Overall he feels this is a good project.

Mr. Whitehouse also feels it is better than a conventional plan.

Phil Kissinger of 25 Lakeview Ave the direct abutter wanted to address the potential easement through his property. Although he is sympathetic to the town wanting connectivity to other Conservation land, after speaking with his wife he realized that if a circuit it created it may end up being a great track for dirt bikes or ATV's in the area. They wouldn't mind well behaved pedestrians but wouldn't want any vehicles coming across their land.

Patricia Kissinger of 25 Lakeview Ave stated that there is a path coming from Lakeview Pavilion already heading towards that area. She noted that she maintains their property and feels it is too delicate to allow motorized vehicles across it.

Mr. Kissinger would also like to request a fence as a buffer on his property line instead of evergreens as he has solar panels on his property and they would end up being blocked by the evergreens as they grew.

Ms. Jordan noted that a Scenic Road hearing will also be necessary as they will be disturbing part of a stone wall.

Kathleen Raftery of 30 Lakeview Road asked about the location of the proposed driveway.

A motion to continue the Public Hearing to September 10, 2015 at 7:45 p.m. was made by Mr. Rhoads and seconded by Mr. Greene. The motion carried 4-0-0.

Continued Public Hearing – 70 Mechanic Street Solar Energy Facility Site Plan Review

Mr. Weinfeld recused himself from this discussion.

Chris Ianuzzi of TTI Environmental reviewed the proposed project with the Board. Since the last meeting they have shifted the ground panels away from the lot line and have discovered that twenty trees on the east side of the property will need to be removed for the panels lighting. The site is shielded from the roadway but they will be providing screening slats or vegetation to shield it from any abutters.

Mr. Greene would like to see the limit of tree clearing on the plan showing the location of the trees to be removed.

Mr. Rhoads stated that this could be shown on the final plans that will be endorsed. He also questioned if any existing utility lines will be affected. Mr. Ianuzzi stated that they are not proposing any changes to any existing utility lines or drainage.

Mr. Ianuzzi noted that they received Conservation approval last Monday.

Mr. Ianuzzi also noted that there is a two hundred foot buffer between the project and the Mechanic Street condominiums. He also stated that the panels have a matte finish glare coating on them but the glare analysis has not yet been received.

Barbara House of 48 Mechanic Street noted that her house is above the site and she will be seeing the panels as she can already see the parking lot. She would like evergreens planted to help screen her property from them.

Kevin Weinfeld who owns an apartment building on Chestnut Street wanted to know if the second floor would be able to see the panels. Mr. Ianuzzi noted that there is a 200 foot buffer to Chestnut Street.

Mr. Rhoads would like to see a condition in regards to the limit of clearing and that a glare analysis be submitted before the building permit can be issued. He also noted that the Board is not empowered to require an evergreen buffer as the setbacks are being met but he encourages the applicant to meet with the abutter to work out a solution.

A motion to close the Public Hearing was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried 3-0-0.

The Board reviewed the draft decision.

A motion to approve the Site Plan Approval Decision for Solar City for a solar array at 70 Mechanic Street as amended this evening was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 3-0-0.

Public Hearing – Foxfield Plaza 369 Central Street - Special Permit/Site Plan Review

A motion to waive the reading of the notice was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 4-0-0.

The Applicant, Developer Jeff Saletin was present and also represented by Atty. Frank Spillane, Engineer Eric Prive, and hotel representative Marc Landry.

Atty. Spillane explained that this site is on 11.4 acres in the Highway Business district which abuts residential zoning, Limited Industrial zoning, Highway Business and Mansfield residential zoning.

Eric Prive of DiPrete Engineering further explained the details of the site. The peer review from BSC has not yet been received but they would like some early feedback from the Board while waiting for their review. He reviewed the existing conditions at the site and then explained their proposed improvements.

Mr. Prive also noted that they have received approval of their applications before the Zoning Board since the informal presentation they made before this Board in July.

Mr. Prive reviewed the proposed stormwater improvements and stated that they should have the traffic counts by the September meeting.

Mr. Grieder would like to see speed bumps at the rear of the buildings to discourage cut through and suggests additional screening on the Vernal Ave side to the residential neighborhood.

Board members felt that the turn from Central Street would require an awkward turn to get into the parking lot and asked if it could be moved up some.

In regards to fire department access, Mr. Prive stated that they met with the Fire Department personnel and they are satisfied that the hotel would be accessible on all sides.

They have performed hydrant testing in the area and found good pressure during the flow tests. They have also spoken with the water department about the water main loop.

Building Commissioner Bill Casbarra's letter was read into the record. He recommends looking into the possibility of having a roundabout at Forbes and Foxborough Boulevards. Mr. Prive stated that would be up to Mass DOT if it would be allowed or not.

A motion to continue the Public Hearing to September 10, 2015 at 7:30 p.m. was made by Mr. Rhoads and seconded by Mr. Greene. The motion carried 4-0-0.

Planner Report (continued)

In regards to the Town Planner search, six applications have been received so far but Ms. Bernard is expecting to get more during the last week. Mr. Weinfeld, Mr. Greene and Mr. Rhoads will be on the search committee. Mr. Greene and Mr. Rhoads will work on the job description. The first meeting will be in the first week of September.

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Diana Gray

Approved by: Kevin Weinfeld

Date: 1/28/16